

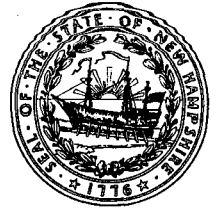


State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095

(603) 271-2147 FAX (603) 271-6588

LETTER OF DEFICIENCY
WET 2004-47



September 21, 2004

Rhenda Barnes Trustee
300 & 306 Edgewater Dr Realty Trust Box 1388
North Hampton, NH 03862

RE: File #1999-02071 Gilford Tax Map 218, Lot 20

Dear Ms. Barnes:

On August 27, 2004, personnel from the New Hampshire Department of Environmental Services conducted a field inspection on property you own in Gilford, NH, identified as Town of Gilford Tax Map 218, Lot 20 (the "Property"). The purpose of the inspection was to determine whether the Property is in compliance with RSA 482-A, RSA 482-B, Rules Env-Ws 1400, the NH Code of Administration and Rules Wt 100-700 and the Wetlands and Non-Site Specific Permit #1999-207 (the "Permit"). The Permit authorized restoration of the shoreline, the construction of a "J-shaped" breakwater with a 7 ft gap at shore and 10 ft gap off shore, the installation of a 4 ft x 30 ft cantilevered pier, a 4 ft x 30 ft piling pier parallel to shore connected by a 4 ft x 37 ft walkway to a 6 ft x 30 ft piling wharf partially on shore, construct a 26 ft x 13 ft perched beach with a 4 ft wide wooden walkway surrounding the beach with a one foot wide retaining wall on the back side of the walkway and beach, and install a 22 ft x 37 ft seasonal canopy over the northeasterly slip in accordance with plans by R.C. Brown dated September 21, 2000, as received by the Department on September 26, 2000 and canopy plans by Image Awnings Inc., as received by the Department on January 29, 2004 (the "Plans").

During the inspection revealed that work on the Property was not conducted in accordance with the Permit and is in violation of Shoreland Protection Administrative Rules Part Env-ws 1405.03(b), and 1405.04(a). The following deficiencies were documented:

1. A 490 sq ft patio was constructed in place of the beach and walkway. The substitution of the patio for the beach is not approvable.
2. A retaining wall was installed on the shorefront northeasterly of the non-conforming 490 sq ft patio.
3. A copy of the recorded permit has not been submitted to DES.

In response, you are requested to take the following actions by November 30, 2004:

- A. Install and maintain adequate erosion controls, and siltation controls (silt fence, hay bales, turbidity curtains, etc) for stabilization of the shoreline during restoration.
- B. Remove 240 sq ft of the patio to restore it back to the approved 240 sq ft beach with surrounding walkway constructed of wood or patio stone.
- C. Submit contractors name, address, and phone number that constructed the non-conforming patio.
- D. Submit a copy of the Registered Permit within 30 days of receipt of this letter.

E. Submit photos of the restoration area when completed

RSA 483-B, the New Hampshire Comprehensive Shoreland Protection Act, was enacted to protect and preserve the shorelands of the State to maintain the integrity and exceptional quality of the State's public waters. RSA 483-B and Env-Ws 1400-1409 establish minimum standards for the future subdivision, use, and development of the shorelands within 250 feet of the state's public waters.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows;

Darlene Forst, Shoreland Program Supervisor
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,
COPY

Darlene Forst
Shoreland Program Supervisor
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411 0428

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Gilford Conservation Commission
Gilford Board of Selectmen
USACOE